

Answer

of the Federal Government

**to the Minor Interpellation tabled by the Members of the Bundestag Luise
Amtsberg, Volker Beck, Katja Keul, further Members and the Alliance 90/The
Greens parliamentary group
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Human rights situation in Senegal

Preliminary remarks of the questioners

On 20 July 2015, the deadline for transposing Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) expired. Article 37 (2) of this directive contains an obligation to regularly review the situation in third countries designated as “safe countries of origin” under national law. This is designed to ensure that the substantive stipulations of European Union law are met when designating “safe countries of origin”.

Under Annex I of the Directive, a country can only be designated a “safe country of origin” “where on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by: (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention; (c) respect for the *non-refoulement* principle in accordance with the Geneva Convention; (d) provision for a system of effective remedies against violations of those rights and freedoms.”

Senegal was classified as a safe country of origin on 30 June 1993. The Act Introducing Expedited Asylum Procedures of 20 October 2015 (Federal Law Gazette I 2015, 1722) for the first time placed the obligation on the Federal Government to present a report every two years on whether the prerequisites for the designation of “safe countries of origin” continue to exist (Section 29a (2a) of the Asylum Act).

The Alliance 90/The Greens parliamentary group continues to believe the instrument of “safe countries of origin” is wrong. It limits procedural rights, legal protection possibilities and since the entry into force of the Act Introducing Expedited Asylum Procedures, also the social and economic rights of nationals from these states seeking protection. Against this backdrop, the parliamentary group tabling the Interpellation believes that continuous monitoring of the human rights situation in these countries is legally imperative and politically of extreme importance. This Interpellation aims to contribute to this.

Preliminary remarks of the Federal Government

The Federal Government attaches great importance to monitoring the human rights situation in the Republic of Senegal and follows this very closely in concert with its partners in the European Union (EU). The Federal Government and the EU partners address human rights issues on a regular basis in consultations with the Senegalese government. A dialogue between the EU and Senegal also takes place pursuant to Article 8 of the Cotonou Agreement. The Federal Government is also engaged in a regular exchange with national and international human rights organisations.

The human rights situation in Senegal has continued to improve since the democratic changeover of power in spring 2012 and is good compared to the rest of the region. The current Senegalese government under President Macky Sall endeavours to investigate human rights violations (from the past) and bring them to justice. Senegal has ratified most of the international human rights conventions. The work of both governmental and civil society human rights organisations is not impeded in Senegal.

Challenges in Senegal remain above all the protection of children’s rights, discrimination and violence against women, the situation of lesbian, gay, bisexual, trans and intersexual people (LGBTI) and the detention conditions in prisons.

1. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their “race” (cf. Article 10 (1) lit. a of Directive 2011/95/EU – Qualification Directive), and how has this situation developed within the last year?

The Federal Republic is not aware of any direct or indirect state repression in the Republic of Senegal against certain persons or groups of persons on the grounds of their race, religion, nationality, membership of a particular social group or political opinions.

This applies to the territory of Senegal as a whole, including Casamance. Please also refer to the preliminary remarks of the Federal Government.

2. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their “race” (cf Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of physical or psychological violence, including sexual violence by non-governmental actors on the grounds of belonging to a particular “race” which the state or other actors are not able or willing to provide protection against.

3. To the knowledge of the Federal Government, to what extent do people in Senegal face legal, administrative, police or judicial measures on the grounds of their “race” (cf Article 10 (1) lit. a of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
4. To the knowledge of the Federal Government, to what extent do people in Senegal face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their “race” (cf Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?
5. To the knowledge of the Federal Government, to what extent do people in Senegal face denial of judicial protection on the grounds of their “race” (cf Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?
6. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their “race” (cf Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

Questions 3 to 6 will be answered together. Please refer to the answer to question 1 and the preliminary remarks of the Federal Government.

7. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of their “race” (cf Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of belonging to a particular “race” which the state or other actors are not able or willing to provide protection against.

8. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed in the last year?

Please refer to the answer to question 1. In addition to this, the Federal Government points out that the freedom of religion is protected in the Constitution (Article 1 and 8) of the secular state of Senegal.

9. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

Religious freedom is protected in the Constitution (Article 1 and 8) of the secular state of Senegal. The Federal Government is not aware of any religiously motivated cases of physical or psychological violence, including sexual violence, by non-governmental actors.

10. To the knowledge of the Federal Government, to what extent do people in Senegal face legal, administrative, police or judicial measures on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
11. To the knowledge of the Federal Government, to what extent do people in Senegal face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?
12. To the knowledge of the Federal Government, to what extent do people in Senegal face denial of judicial protection on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?
13. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

Questions 10 to 13 will be answered together. Please refer to the answer to question 1. In addition to this, the Federal Government points out that religious freedom is protected in the Constitution (Article 1 and 8) of the secular state of Senegal.

14. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of their religion (cf Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

Religious freedom is protected in the Constitution (Article 1 and 8) of the secular state of Senegal. In international comparison, inter-religious coexistence in Senegal can be described as exemplary. The Federal Government is not aware of any religiously motivated human rights violations.

15. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed in the last year?

Please refer to the answer to question 1.

16. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of the use of physical or psychological violence, including sexual violence, by non-governmental actors against people on the grounds of their nationality where the state or other actors were not able or willing to provide protection against such.

17. To the knowledge of the Federal Government, to what extent do people in Senegal face legal, administrative, police or judicial measures on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
18. To the knowledge of the Federal Government, to what extent do people in Senegal face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?
19. To the knowledge of the Federal Government, to what extent do people in Senegal face denial of judicial protection on the grounds of their nationality (cf Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

20. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

Questions 17 to 20 will be answered together. Please refer to the answer to question 1.

21. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of their nationality (cf Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of contraventions of other human rights, including economic, social and cultural rights by non-governmental actors against people on the grounds of their nationality where the state or other actors were not able or willing to provide protection against such.

22. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed in the last year?

Please refer to the answer to question 1.

23. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of violations of other human rights, including economic, social and cultural rights, by non-governmental actors against people on the grounds of their membership of a particular social group where the state or other actors were not able or willing to provide protection against such.

Exceptions to this are social groups based on the shared trait of sexual orientation (as defined in Article 10 (1) lit. d of Directive 2011/95 EU Q). In this respect please refer to the answer to question 29.

24. To the knowledge of the Federal Government, to what extent do people in Senegal face legal, administrative, police or judicial measures on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
25. To the knowledge of the Federal Government, to what extent do people in Senegal face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?
26. To the knowledge of the Federal Government, to what extent do people in Senegal face denial of judicial protection on the grounds of their membership of a particular social group (cf Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?
27. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Questions 24 to 27 will be answered together. The Federal Government is not aware of any direct or indirect state repression in the Republic of Senegal against particular people or groups of people on the grounds of their race, religion, nationality, membership of a particular social group or political opinions.

Exceptions to this are social groups based on the shared trait of sexual orientation (as defined in Article 10 (1) lit. d of Directive 2011/95 EU Q). In this respect please refer to the answer to question 29.

28. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of their membership of a particular social group (cf Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of violations of other human rights, including economic, social and cultural rights by non-governmental actors against people on the grounds of their membership of a particular social group where the state or other actors are not able or willing to provide protection against such.

Exceptions to this are social groups based on the shared trait of sexual orientation (as defined in Article 10 (1) lit. d of Directive 2011/95 EU Q). In this respect please refer to the answer to question 35.

29. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed in the last year?

Under Article 319 of the Senegalese Criminal Code anyone who commits an “obscene or unnatural act” with a person of the same sex faces a prison sentence of up to five years. In addition to this is a fine equivalent to between EUR 150 and EUR 2 300. If one of the partners is 21 or younger, the maximum penalty is always imposed. The article is applied in isolated cases and there have been seven convictions based on this article to date since 2005. The EU and its Member States in particular are endeavouring in the dialogue with the Senegalese government to secure the abolition of this act and with it homosexuality as a criminal offence. What has been achieved is that the government of the Republic of Senegal has instructed the police and investigation authorities to no longer pursue criminal prosecution or charges based on Article 319.

30. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is aware of reports of people having been the victim of physical or psychological violence, including sexual violence, on the grounds of their sexual orientation and the state not being able or willing to provide protection against such. This concerns above all people sentenced to prison, who are housed in communal cells due to overcrowded prisons and who fall victim to sexual violence there.

31. To the knowledge of the Federal Government, to what extent do people in Senegal face legal, administrative, police or judicial measures on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
32. To the knowledge of the Federal Government, to what extent do people in Senegal face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?
33. To the knowledge of the Federal Government, to what extent do people in Senegal face denial of judicial protection on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

34. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Questions 31 to 34 will be answered together. Please refer to the answer to question 29.

35. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of their sexual orientation (cf Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

People who come out in public in Senegal about belonging to a sexual minority may face violations of other human rights, including economic, social and cultural rights by non-governmental actors. Such human rights violations affect above all people who actively advocate the rights of sexual minorities. The government authorities do not always protect the members of minorities resolutely enough or with the appropriate assertiveness. The situation remains critical.

36. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed in the last year?

Please refer to the answer to question 1.

37. To the knowledge of the Federal Government, to what extent do people in Senegal face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any reports of the use of physical or psychological violence against people by non-governmental actors on the grounds of their political opinion.

38. To the knowledge of the Federal Government, to what extent do people in Senegal face legal, administrative, police or judicial measures on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

39. To the knowledge of the Federal Government, to what extent do people in Senegal face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?
40. To the knowledge of the Federal Government, to what extent do people in Senegal face denial of judicial protection on the grounds of their political opinion (cf Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?
41. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

Questions 38 to 41 will be answered together. Please refer to the answer to question 1.

42. To the knowledge of the Federal Government, to what extent do people in Senegal face violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of their political opinion (cf Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any reports of the contravention of other human rights, including economic, social and cultural rights, of people in Senegal on the grounds of their political beliefs by non-governmental actors.

43. Does the Federal Government know of any measures the Senegalese authorities and, if applicable, international organisations are taking to provide protection for those affected by human rights violations in Senegal and to improve the human rights situation in Senegal, and what is its assessment of their chances of succeeding?

The autonomous (state-funded) human rights commission Comité Sénégalais des Droits de l'Homme is tasked with informing the authorities of human rights violations and as acting as an instrument for dialogue between civil society and the state. It still lacks the necessary assertive clout following restructuring, however. The Conseil consultatif national des droits de l'Homme, founded on 17 July 2013, is another government instrument for human rights work. Its task is to advance the implementation of the international and regional conventions Senegal has signed. The council has met once a month since the start of 2014. All the ministries and seven civil society organisations are involved. In addition to this, there is the Comité Interministeriel des Droits de l'Homme et du Droit International Humanitaire and the Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix set up in 2004. All three institutions tend to work in the background and do not assume a major role in the public debate. The traditional

rights and duties of an ombudsman were expanded in Senegal to include preventive intervention and the right to take up issues on the ombudsman's own initiative. The ombudsman can be used as an arbitration authority. The Federal Government has provided regular support to the United Nations High Commissioner for Human Rights with a voluntary contribution totalling an annual EUR 2 million since 2014. This is used *inter alia* to fund the regional and country offices of the High Commissioner, including the West Africa Regional Office in Dakar.

44. What measures is the Federal Government taking to provide the victims of human rights violations in Senegal with protection and to improve the human rights situation in Senegal, and to what extent will it be continuing or expanding these measures in the future?

The Federal Government uses the semi-annual political dialogue with the Senegalese government in the scope of Article 8 of the Cotonou Agreement to call for improvements to the human rights situation.

In 2016, the Federal Foreign Office is funding a project by "Plan International Deutschland", to publicise the third Optional Protocol to the United Nations Convention on the Rights of the Child in Senegal and also in the region. This should enable headway to be made in implementing the Convention on the Rights of the Child.

The Federal Government participates in the Universal Periodic Review of the United Nations Human Rights Council. Senegal underwent a review in 2013 most recently, in the scope of which the Federal Government recommended measures in the following areas: child labour, the rights of people with disabilities, child marriage and the criminalisation of homosexuality. The next review will take place in 2018.

45. To the knowledge of the Federal Government, in how many cases since 2007 have there been convictions for endangering state security (cf. Amnesty International, Country Report on Senegal 2013), and in how many cases did these concern journalists, bloggers and other representatives of the press (please break down by year)?

One case is known of in 2008 and another in 2011 in which a journalist was convicted for endangering state security. Following the democratic handover of power to President Sall in 2012, the general situation for journalists, bloggers and other representatives of the press has improved. In February 2016 the lawyer Amadou Sall was given a suspended sentence of three months for insulting the president and endangering state security. At a gathering in March 2014 he had threatened that if his client and son of the former president, Karim Wade, were convicted, President Sall "would not spend another single night at the presidential palace". Karim Wade had been charged with corruption and was sentenced to a prison term of six years in March 2015.

To the knowledge of the Federal Government an Imam is currently on trial for membership of a criminal association, incitement to terrorist activities and money laundering.

46. What knowledge does the Federal Government have of other measures by government authorities to intimidate journalists, bloggers and other representatives of the press, and what conclusions does the Federal Government draw from this?

Freedom of opinion and freedom of the press is guaranteed by the Senegalese constitution. The press does indeed report freely and since the presidential elections in 2012 can voice criticism of the government. Journalists from other African countries are increasingly making use of the freedom of the press in Senegal. The Federal Government is not aware of any government measures to intimidate journalists, bloggers and other representatives of the press. Free access to the Internet is ensured *inter alia* through Internet Cafés, which are increasingly available outside of Dakar, too. In Dakar there is a growing blogger scene.

47. To the knowledge of the Federal Government, since 2007 in how many cases have there been violent attacks by government authorities against journalists, bloggers and other representatives of the press (please break down by year)?

Under the Wade government there were violent attacks by the police against journalists participating in demonstrations. The Federal Government does not know any exact figures. In January 2012 there was police violence against three journalists in connection with unrest in the run up to the presidential elections. Following the democratic handover of power to President Sall in 2012, the general situation for journalists, bloggers and other representatives of the press has improved. The Federal Government is not aware of any other cases.

48. To the knowledge of the Federal Government, since 2007 in how many cases have there been violent attacks by non-governmental authorities against journalists, bloggers and other representatives of the press (please break down by year) and what measures is the Senegalese government taking to provide protection against such attacks?

The Federal Government is not aware of any cases of violent attacks by non-governmental authorities against journalists, bloggers and other representatives of the press.

49. What conclusions, including in terms of action to be taken, does the Federal Government draw from reports by civil society organisations of torture and abuse by government authorities (Amnesty International, Country Report on Senegal 2013)?

The Federal Government is aware of isolated reports of torture and abuse. The Federal Government therefore regularly uses the semi-annual political dialogue with the Senegalese government under Article 8 of the Cotonou Agreement as well as other consultations to call for improvements to the human rights situation.

50. To the knowledge of the Federal Government, what is the current status of the investigations into the cases of Ibrahima Fall, Ousseynou Seck and Kécouta Sidibé, who according to Amnesty International (Country Report on Senegal 2013) suffered abuse at the hands of the security forces in 2012, and what conclusions, including in terms of action to be taken, does the Federal Government draw from these cases?

The Federal Government has no information on the current status of the investigations in the case of Ibrahima Fall.

Following the death of the student Ousseynou Seck, an investigation was initiated by the public prosecutor, which resulted in a police officer being sentenced to two years in prison for the use of force resulting in death; two other individuals were cleared. The Senegalese state was held liable for damages under civil law and sentenced to pay compensation for pain and suffering totalling FCFA 10 million (equivalent to around EUR 15 000) to the family of Ousseynou Seck.

In the case of Kécouta Sidibé, the family of the killed man filed a lawsuit. A police officer was sentenced to two years in prison and the payment of a fine of FCFA 200 000 (equivalent to around EUR 350).

51. To the knowledge of the Federal Government, in how many cases were gatherings and demonstrations disbanded in 2015?

In September 2015, the police disbanded an unregistered demonstration by around 100 people demonstrating for a reliable electricity supply for their village.

The Federal Government is not aware of the disbandment of any other gatherings and demonstrations in 2015.

52. To the knowledge of the Federal Government, in how many cases have the police and security authorities taken violent action against demonstrators since 2011 (please break down by year)?

In the run up to the presidential elections in 2012 there were several demonstrations where in some cases violent action was taken against demonstrators. For 2014, the Federal Government is aware of two disbanded demonstrations.

- a) In how many of these cases did this result in the death or serious injury of demonstrators, and to what extent and how systematically were these cases investigated and solved by the public authorities and courts?

At least six people were killed during the unrest in the run up to the 2012 presidential elections. A police officer was charged with the death of a demonstrator in 2014.

- b) What is the current state of the investigations into the deaths of Mamadou Sy, Bana Ndiaye and Mamadou Diop, who according to Amnesty International (Country Report on Senegal 2013) were killed by security forces in January 2012 in Podor and Dakar during a demonstration, and what consequences, including in terms of action to be taken, does the Federal Government draw from these cases?

In the case of Mamadou Diop the culprits were sentenced to prison terms. In the case of Mamado Sy and Bana Ndiaye four people currently face charges, the proceedings are still underway.

- c) In how many cases were demonstrators arrested and in how many cases were arrests confirmed by the courts?

In connection with the presidential elections in 2012 there were several cases of demonstrators being arrested. To the knowledge of the Federal Government none of these arrests were confirmed by the courts.

53. To the knowledge of the Federal Government, in how many cases since 2011 have there been arrests of human rights activists, opposition politicians or other people for their peacefully expressed political opinion, and in how many cases were such arrests confirmed by the courts (please break down by year)?

In connection with the presidential elections in 2012 there were temporary arrests of human rights activists. To the knowledge of the Federal Government none of these cases led to a court ruling confirming the lawfulness of the arrests.

54. To the knowledge of the Federal Government, to what extent does discrimination against members of ethnic minorities exist in Senegal in law and/or in practice, and what measures in the Senegalese government taking to improve this situation?

Ethnic discrimination is prohibited under Articles 1 and 5 of the Constitution of the state of Senegal. Ethnic minorities are represented in parliament, in the cabinet and in high-level administrative positions and are also active without constraints in Senegalese human rights organisations. The different ethnic groups coexist in equality and free from tensions.

55. To the knowledge of the Federal Government, to what extent are women and girls in Senegal discriminated against in law and/or in practice?

In Article 7, the Constitution of the state of Senegal guarantees the equal status of men and women. Articles 18 and 19 of the Constitution prohibit a women being married without her consent and guarantee her right to her own wealth and independent management thereof.

In the parliament elected in 2012, 44.6 % of the members of parliament are women. Discrimination against women in practice results above all from a lack of education.

- a) How high is the life expectancy of women compared to men?

In Senegal the life expectancy of women is 63, that of men is 59.

b) How high is maternal mortality rate during birth?

In 2015, the maternal mortality rate was approximately 315/100 000 live births.

c) How high is the infant mortality rate?

In 2015, the infant mortality rate was approximately 51.5/1 000 live births.

d) How high is the employment rate for women compared to men?

Two thirds of the women over the age of 15 are in employment. For the men over the age of 15 the rate is approximately 88%.

e) How high is the literacy rate of women compared to men?

The literacy rate for those over the age of 15 in 2014 was around 70% for men and around 46% for women.

f) How high is the percentage of girls attending school compared to boys?

According to UNESCO, in 2014 84% of girls and 77% of boys attended primary school.

g) How high is the percentage of women studying at a university compared to men?

In 2010 the percentage of women studying at a university was five per cent according to UNESCO data, for men it was nine per cent.

h) How high is the percentage of women who complete a university degree compared to men?

The Federal Government has no information on the percentage of women who complete a university degree compared to men.

i) Since 2011, how many women and girls have pressed charges for acts of violence and sexual violence, and in how many cases did this lead to a conviction (please list by year and the two categories of cases)?

In how many of these cases were people living with the women or girls pressing charges convicted as the offender?

How high does the Federal Government estimate the number of unreported cases to be?

According to the information of several non-governmental organisations, the number of rapes in Senegal is on the rise, they assume a high number of unreported cases. The Federal Government has no information of its own above and beyond this. The government authorities have started recruiting female police and judicial officers to counter this problem. Marital rape is not prosecuted as a criminal offence.

- j) How many women and girls have been victims of genital mutilation since 2011 (please break down by year)?

How many of these cases faced criminal prosecution?

Female genital mutilation has been prohibited by law since 1999 in Senegal, but continues to be practiced by some ethnicities. According to UNICEF statistics, around one quarter of girls and women aged 15 to 49 are living with the consequences of genital mutilation. As a result of government measures and social mobilisation brokered by civil society, it is now possible to assume a gradual reduction in the number of girls affected. The government bodies of Senegal are endeavouring to push back this practice further in collaboration with the families, the village communities and traditional and religious authorities. The Federal Government is not aware of any convictions for genital mutilation in Senegal.

- k) What measures is the Senegalese government taking to improve the situation of women and girls?

The Senegalese government conducts awareness-raising in tandem with non-governmental organisations on the topic of genital mutilation in schools, villages and municipalities. The government and non-governmental organisations are working jointly to raise the percentage of women who have access to oral contraceptives. This is designed on the one hand to stop girls having to drop out of school prematurely, on the other the government also hopes it will reduce maternal and child mortality.

56. To the knowledge of the Federal Government, since 2011 how many people have fallen victim to human trafficking (please break down by year, age and sex of the victims), and how many of these cases led to criminal prosecution?

What measures is the Senegalese government taking to the knowledge of the Federal Government to improve this situation?

In 2005, the Senegalese government adopted an Act on the prohibition of human trafficking, which sets forth prison sentences ranging from five to ten years. The government does not publish any statistics on human trafficking and the measures the Senegalese government is taking to combat this. In 2013, the national Special Commission for the Special Protection of Women and Children against Human Trafficking organised further training for 30 police and border officers, whose task is to enforce the law enacted in 2005. There is knowledge of the arrest in 2013 of smugglers who had tried to smuggle 20 children from Guinea to Senegal to work in gold mines. In 2015 the case came to light of several women from Nigeria who had been forced into prostitution in the Kedougou region. In connection with this there were two arrests and one conviction.

57. To the knowledge of the Federal Government, how many minors were forced to work in 2015 in contravention of the stipulations of Senegalese law and the Convention on the Rights of the Child (please break down by year, age and gender of the victims), and how many of these cases led to what penalties?

What measures is the Senegalese government taking to the knowledge of the Federal Government to improve this situation?

According to UNICEF estimates, around 20 % of the children aged five to 14 work, in particular in the informal sector (for instance as street vendors in small shops, as domestic help or farm hands in the family or for others, begging). The Senegalese government has drafted a bill on the protection of children, which also aims to lower child labour and is currently being examined by the parliament.

58. To the knowledge of the Federal Government, to what extent does discrimination against people with disabilities exist in law or in practice in Senegal and what measures is the Senegalese government taking to improve this situation?

Discrimination against people with disabilities is prohibited by law in Senegal, but there are major gaps in the actual enforcement of this law. The government offers financial support to people with disabilities, including for developing a self-employed activity and runs vocational training centres for people with disabilities.

59. To the knowledge of the Federal Government, to what extent does discrimination against HIV-positive people exist in law and/or in practice in Senegal, and what measures is the Senegalese government taking to improve this situation?

Senegalese legislation prohibits any discrimination against HIV-positive people. The Senegalese government conducts awareness-raising campaigns in tandem with non-governmental organisations to raise society's acceptance of HIV-positive people in Senegal.

- a) Are free and anonymous HIV tests offered nationwide in Senegal?

HIV tests are offered free of charge and anonymously and are available nationwide.

- b) What treatments are available to HIV-positive people in Senegal, and how are they financed?

HIV-positive people in Senegal have free access to antiretroviral medication and treatment of illnesses related to the HIV infection.

- c) Are there legal or practical requirements that have to be met to access these treatments above and beyond the medical indication, and if so what are they?

There are no legal requirements for accessing these therapies above and beyond the medical indication. In practice access is restricted in particular for homosexual people to the knowledge of the Federal Government, as many doctors refuse to treat these patients.

- d) To what extent is HIV status forcibly tested in Senegal?

There is no forcible testing of HIV status in Senegal.

- e) Is people's right to decide freely whether to make their HIV status public ensured in Senegal in general, for public sector workers, for users of public services (including schools, universities and hospitals), for the targets of police measures and for people in prisons (please break down into the five categories)?

Making one's HIV status public is voluntary for public sector workers, for users of public services, for the targets of police measures and for people in prisons.

- f) Is discrimination on the grounds of someone's HIV status prohibited in Senegal under public law and civil law (please break down into the two categories) and to what extent is any such prohibition enforced?

Discrimination on the grounds of someone's HIV status is prohibited in Senegal under public law and civil law. The Federal Government has no information on the enforcement of this prohibition, according to non-governmental organisations, discrimination on the grounds of people's HIV status continues to take place.

60. To the knowledge of the Federal Government, how many people have been convicted since 2011 in Senegal for consensual same-sex acts between adults (please break down by year and gender)?

The Federal Government is aware of the conviction of seven people on the basis of Article 319 of the Criminal Code since 2005 (please also refer to the answer to question 29), although the appeals procedure has not been exhausted. In general, charges based on Article 319 of the Criminal Code have been dropped or quashed by the appellate court in Dakar on multiple occasions.

Since 2011 a total of 58 people have been arrested for same-sex acts. In most cases no charges were pressed and the people arrested were released.

61. What conclusions does the Federal Government draw from the conviction of seven men for consensual same-sex acts between adults on 21 August 2015 (cf. www.ecoi.net/local_link/310691/448654_de.html of 23 February 2016) from a human rights perspective and to what extent did it address this conviction with the Senegalese government?
62. What conclusions does the Federal Government draw from the calls made by Human Rights Watch to the Senegalese government to abolish criminal liability for consensual same-sex acts (cf. www.ecoi.net/local_link/310691/448654_de.html of 23 February 2016)?

Questions 61 and 62 will be answered together. The Federal Government engages in a constant dialogue with civil society actors and the government on the situation of lesbian, gay, bisexual, trans and intersexual (LGBTI) people in Senegal. The Federal Government will continue to advocate and champion a policy of non-discrimination in Senegal, too, in concert with its EU partners.

63. To the knowledge of the Federal Government, how many people have been victims of attacks by government authorities on the grounds of their sexual orientation or gender identity since 2011 (please break down by year), and in how many cases did the offenders face disciplinary or criminal penalties or were obligated to pay civil law damages to the victims?

The Federal Government is not aware of any attacks on people by government authorities on the grounds of their sexual orientation or gender identity since 2011.

64. To the knowledge of the Federal Government, what measures is the Senegalese government taking to provide protection against such attacks?

Please refer to the answer to question 63.

65. What is the Federal Government's assessment of the influence of religious authorities on the social situation of sexual minorities in Senegal, and what is the Senegalese government's stance towards the relevant religious authorities?

Both Christian and Muslim communities adopt a conservative stance towards any form of homosexuality in Senegal.

66. How many public gatherings by or supporting lesbian, gay, bisexual, trans and intersexual people (LGBTI) have taken place in Senegal since 1996 to the knowledge of the Federal Government and how many were banned or disbanded by the government authorities?

The Federal Government is not aware of any public gatherings by or in support of lesbian, gay, bisexual, trans and intersexual people in Senegal.

67. What publically available media publications deal with LGBTI issues in Senegal to the knowledge of the Federal Government?

There is coverage of LGBTI issues by publically available media from time to time, mostly in connection with arrests of LGBTI people. The media usually reflects the homophobic attitude of society in this coverage.

68. To what extent is the Federal Government aware of measures or laws suited to stopping or designed to stop such media being produced or sold?

The Federal Government is not aware of any measures or laws suited to stopping or designed to stop media dealing with LGBTI issues from being produced. The Federal Government is not aware of any publically available media publications in Senegal devoted mainly to LGBTI issues.

69. To the knowledge of the Federal Government, to what extent is the work of non-governmental organisations advocating the rights of LGBTI people hampered in Senegal by government or societal actors?

To the knowledge of the Federal Government, the work of non-governmental organisations advocating the rights of LGBTI people is not hampered by government or societal actors.

70. To the knowledge of the Federal Government, to what extent do LGBTI people actually have access to healthcare for acute treatment needs and chronic suffering (please break down into the two categories)?

Access to healthcare for LGBTI people is restricted as a result of the fact that many doctors refuse to treat LGBTI people. For homosexual HIV-positive people please refer to the answer to question 59c.

- a) To what extent is healthcare for members of this group free of charge?

The healthcare costs for LGBTI people are no different to those of other groups in society. Antiretroviral treatments and those related to HIV infections are free of charge. In addition to this, there is a range of other illnesses for which treatment is free of charge for all Senegalese people. Other healthcare is not free of charge; only part of the population in Senegal has health insurance. The government is currently working on introducing universal health insurance.

- b) To what extent is patient-doctor confidentiality upheld in the provision of healthcare to members of this group?

The Federal Government has no information on the upholding of patient-doctor confidentiality for members of this group.

- c) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

Access to adequate housing may be restricted for members of this group who make their sexual identity public due to the generally homophobic attitude in Senegalese society. The Federal Government is not aware of any systematic restriction of access to adequate housing.

71. To the knowledge of the Federal Government, since 2011 in how many cases has the death penalty been handed down and in how many cases has it been enforced (please break down by year)?
72. Are there efforts in Senegal to the knowledge of the Federal Government to abolish the death penalty?

Questions 71 and 72 will be answered together. The Senegalese parliament unanimously adopted the abolition of the death penalty with Act 2004-38 of 28 December 2004.

73. What is the Federal government's assessment of the situation in Senegalese prisons from a human rights perspective?

The Senegalese government aims to reform the justice system and improve the conditions in prisons. In December 2015, Minister of Justice Sidiki Kaba announced plans to build a new prison in Dakar with space for 1 500 inmates.

74. To what extent does the Federal Government share the concern voiced by Amnesty International about the human rights and security situation in Casamance, in particular in relation to the civilian population (cf. Amnesty International, Country Report on Senegal 2013)?

The human rights and security situation in Casamance has increasingly improved in recent years. The addition of another ferry connection between Dakar and Casamance has improved the sales opportunities for products from Casamance. Since President Macky Sall assumed office in 2012, a de-facto ceasefire has been in place. People's freedom of movement does, however, continue to be restricted in parts of Casamance.

